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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

ELIZABETH SHERBOW and
THEODORE SHERBOW,

Case No.1:16-CV-00656-MO
PLAINTIFFS' MOTION TO MODIFY AND
OR RECONSIDER ORDER OF JUNE 3,2016
REQUEST FOR TEMPORARY
RESTRAINING ORDER

Plaintiffs

v.

NORTHWEST TRUSTEES SERVICES, INC.,
BANK OF NEW YORK MELLON N.A., MORTGAGE
ELECTRONIC RECORDING SYSTEM; AND SELECT
PORTFOLIO SERVICING, INC.

Defendants

Plaintiffs in the above named case by Theodore Sherbow, Plaintiff, pro se, file this motion requesting the Court to modify and/or reconsider the Order of June 3, 2016 for the following reasons:

1. Plaintiffs reviewed an expedited copy of the June 1, 2016 hearing late on June 7, 2016.
2. A review of the transcript revealed that on line 7 and 8, page 23, the Court said, "So I find the promissory note has traveled validly from beginning to end and that defendant operates under the authority of the promissory note."
3. Omitted from the Court's comment was the requirement under Oregon law that Defendants would then be obligated to enforce the note in a judicial foreclosure.

See *Brandrup v. ReconTrust* 353 Or 668, 676 (Judicial action against borrower required to enforce a note)

4. Since the Defendants have chosen to proceed with a nonjudicial foreclosure, the Court's Order of June 3, 2016 should be modified to require Defendants to cease and desist from their nonjudicial foreclosure scheduled for June 17, 2016 and proceed with a judicial foreclosure.

5. Plaintiffs request the Court to issue a temporary restraining order until such time as the Court modifies the Order of June 3, 2016 because the Plaintiffs will sustain irreparable damage if the foreclosure takes place on June 17, 2016, as more fully set out in the papers filed in this case by Plaintiffs.

6. A copy of this motion was forwarded by facsimile to the attorneys for defendants shortly after the time this motion was filed with the clerk of court in Medford, Oregon. Wherefore Plaintiffs respectfully request the Court to modify and /or reconsider the Order of June 3, 2016 and issue a temporary restraining order.

PLAINTIFF, THEODORE SHERBOW, PRO SE, UNDER PENALTY OF PERJURY
VERIFIES THE TRUTHFULNESS OF THE ABOVE.

Dated: June 8, 2016



Theodore Sherbow, Plaintiff, pro se

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Motion to Modify and/or Reconsider Order of June 3, 2016 and Request for Temporary Restraining Order on the following persons on the date indicated below by facsimile transmission to said persons.

Amy Edwards and Crystal S. Chase 1-503-220-2480

John Thomas 1-503-425-7369

Dated: June 8, 2016



Theodore Sherbow, Plaintiff, pro se